

In re Application of: D. Theron Van Hooser ) Group Art Unit: 3743  
 Serial No.: 10/037,463 )  
 Filed: December 21, 2001 ) Examiner: Patel, Nihir B.  
 Confirmation No.: 4814 ) Our Account No.: 04-1403  
 Title: Respiratory Circuit Support Arm ) Our Customer No.: 22827



Commissioner for Patents  
 U.S. Patent and Trademark Office  
 Post Office Box 1450  
 Alexandria, VA 22313-1450

**ELECTION OF SPECIES**

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee
Total Effective Claims <u>28</u>	minus <u>28</u>	= _____	X \$50 =      \$ <u>.00</u>
Independent Claims <u>3</u>	minus <u>3</u>	= _____	x \$200 =      \$ <u>.00</u>
If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$290.00 (per application)      \$ <u>.00</u>			
Since Official Action set an <u>original</u> due date of _____.			
PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$120; 2 months \$450; 3 months \$1020; 4 months \$1590, 5 months \$2,160)      \$ <u>.00</u>			
If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00)      \$ <u>.00</u>			
<b>SUBTOTAL:</b> \$ <u>.00</u>			
If "small entity" verified statement filed [ ] previously, [ ] herewith, enter one-half (½) of subtotal and <u>subtract</u> \$ <u>.00</u>			
<b>TOTAL:</b> \$ <u>.00</u>			
Other: _____      \$ <u>.00</u>			
<b>TOTAL FEE ENCLOSED:</b> \$ <u>.00</u>			

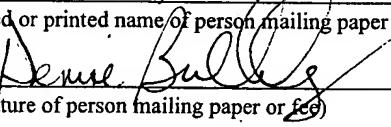
The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

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**DORITY & MANNING**  
**ATTORNEYS AT LAW, P.A.**  
 By: Neal P. Pierotti Reg. No: 45,716 Date: May 16, 2005.  
 Signature: Neal P. Pierotti

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Post Office Box 1450, Alexandria, VA 22313-1450, on May 16, 2005.

Denise Bulkeley  
 (Typed or printed name of person mailing paper or fee)

  
 (Signature of person mailing paper or fee)

ATTORNEY DOCKET NO: BAL-107 (17456)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of D. Theron Van Hooser ) Examiner: Patel, Nihir B.  
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Sir:

In this response to the Office Action mailed May 3, 2005, Applicant elects as required a single disclosed Species for prosecution on the merits, and respectfully requests consideration of the remarks that follow.

**ELECTION OF SPECIES**

In the Office Action, an Election of Species between Species 1 (Figs. 1-5) and Species 2 (Figs. 6-9) was required. Applicant hereby elects, without traverse, the disclosed Species 1 (Figs. 1-5) for initial prosecution. Species 1 (Figs. 1-5) have claims 1-13, 15-25, 27 and 28 readable thereon. Applicant submits that claims 1-6, 8-12, 15, 16, 18, 19, 21, 22, 25 and 27 are generic to both Species 1 and Species 2. Additionally, Figs. 12-15 are also readable upon Species 1. Applicant reserves the right to prosecute subsequently the Non-Elected Species without prejudice or disclaimer and to prosecute all claims in this application if a generic claim is ultimately allowed.

In view of the above Election, Applicant respectfully requests examination of the present application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned at the Examiner's convenience in regards to any questions concerning this matter, or if any additional information is needed.

Respectfully submitted,

DORITY & MANNING, P.A.

Date

May 16, 2005

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